

**Minutes of a Meeting of the  
Tennessee Board of Architectural and Engineering Examiners  
Andrew Johnson Tower  
Nashville, Tennessee**

February 17, 2011

**Board Members Present**

Hal Balthrop, Professional Engineer  
Robert Campbell, Jr., Professional Engineer  
James Hastings, Registered Architect  
Philip Lim, Professional Engineer  
Bill Lockwood, Registered Landscape Architect  
David Schuermann, Registered Architect  
Leslie Shankman-Cohn, Registered Interior Designer  
Richard Thompson, Registered Architect  
Brenda Wood, Public Member

**Associate Board Members Present**

Alton Hethcoat, Professional Engineer  
Carlton Norris, Professional Engineer

**Associate Board Member Absent**

Dennis Henderson, Professional Engineer

**Staff Present**

Robert Herndon, Legal Counsel  
John Cothron, Executive Director  
Wanda Phillips, Administrative Manager  
Wanda Garner, Administrative Assistant

**Guests**

The following were present for all or part of the meeting:

Candy Toler, Tennessee Society of Professional Engineers/American Council of  
Engineering Companies of Tennessee (TSPE/ACEC-TN)  
Don Baltimore, Tennessee Interior Design Coalition (TIDC)  
Nathan Ridley, Tennessee Chapter American Society of Landscape Architects  
(ASLA -TN)  
Connie Wallace, American Institute of Architects of Tennessee (AIA-TN)  
Kimberly Whaley, Accountant III, Department of Commerce and Insurance

**CALL TO ORDER**

Brenda Wood, chair, called the meeting to order at 9:00 a.m. A quorum of Board members was present, and the meeting, having been duly convened, was ready to proceed with business.

No changes were made to the meeting agenda.

## CONSENT AGENDA

1. *Approval of Minutes* (attached)

Motion was made by Mr. Balthrop and seconded by Mr. Lim, to accept the minutes of the December 9, 2010, meeting as written. The motion passed unanimously.

2. *Approval of the Staff Complaint Report* (attached)

Motion was made by Mr. Balthrop and seconded by Ms. Shankman-Cohn, to accept the Complaints for Board Decision as presented. The motion passed unanimously.

## PROFESSIONAL SOCIETY REPORTS

1. *Nathan Ridley, ASLA-TN*, stated that he is confident that SB0172/HB0242, the bill to extend the “sunset” date of the Board of Architectural and Engineering Examiners will pass, although the Senate is still considering changes to the Board member appointment process that would make it optional for the Governor to appoint members from lists of nominees submitted by the representative professional societies.

2. *Candy Toler, TSPE/ACEC-TN*, explained that SB0172/HB0242, the bill to extend the “sunset” date of the Board of Architectural and Engineering Examiners, is going through the process and has no doubt that it will pass.

Ms. Toler stated that legislators have been assured that the professional societies, when nominating persons to serve on the Board, are willing to consider all in the profession who are eligible to serve as Board members based on the statutory requirements of the Board.

Ms. Toler reminded Board members that Engineers’ Day on the Hill is scheduled for March 8, 2011, and she encouraged members to, also, attend the Legislative Reception planned for the preceding day.

The industrial exemption committee has met once since its formation.

ACEC-TN supports a bill (HB1026/SB1332) that would amend T.C.A. Section 54-4-204(d)(2) to avoid a conflict with T.C.A. Section 62-2-107. TSPE has not yet voted on this issue.

TSPE is working on nominations for the West Tennessee Associate Engineer and East Tennessee Engineer positions.

3. *Don Baltimore, TIDC*, reported that HB1741/SB0867, a bill which seeks to license and regulate the practice of interior designers, was submitted. He highlighted major modifications and noted that the bill is modeled after the Georgia Board’s recently enacted Interior Design legislation. See attached bills noted under “New Business.”

TIDC and AIA-TN are continuing to have discussions to resolve issues not agreed upon in the “interior designer” bill.

## DIRECTOR'S REPORT

1. Mr. Cothron submitted the following report:
  - The department is supportive of the grants appropriation increase and allowing grants for candidacy programs.
  - Grant contracts have been approved for Tennessee Technological University, the University of Memphis, and the University of Tennessee at Chattanooga, and grant funds have been distributed to these institutions. The other contracts are still in process.
  - Julie Mix McPeak has been appointed by Governor Haslam as the new Commissioner of Commerce and Insurance. Steven Majchrzak continues to serve as the Assistant Commissioner for Regulatory Boards.
  - One member of the Board's staff has been reassigned to a new revenue processing unit in the department's fiscal services office, bringing our total staff to six (6). I will closely monitor workflow in the office to determine if an additional employee is needed.
  - Philip Lim and I attended the National Council of Examiners for Engineering and Surveying Board Presidents' Assembly in Atlanta, GA on February 11-12, 2011.
  - Bill Lockwood has been approved to attend the Council of Landscape Architectural Registration Boards' Spring Meeting in Denver, CO on February 25-26, 2011.
  - Jim Hastings, Rick Thompson, and I have been approved to attend the National Council of Architectural Registration Boards' Joint Regional Meeting in Jersey City, NJ on March 11-12, 2011.
  - Hal Balthrop, Alton Hethcoat, and I have been approved to attend the National Council of Examiners for Engineering and Surveying Southern Zone Meeting in Austin, TX on April 28-30, 2011.
  - Robert Campbell and I will speak at an American Society of Mechanical Engineers chapter meeting in Kingsport on March 23, regarding engineering licensure and regulation; members of other professional societies in the area are also being invited to attend.
  - The University of Tennessee at Knoxville has agreed to host the October Board meeting.
  - In response to a question, Board members stated that they would prefer that their contact information not be posted on the Board's website.
2. *Licensing Data* (attached) was submitted for informational purposes only.
3. *Complaint Data* (attached) was submitted for informational purposes only.
4. *Financial Report* (attached) was submitted by Mr. Lim for informational purposes only.

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*Connie Wallace, AIA-TN*, arrived. She reported that there is a growing practice of local governments bidding architectural and engineering services, which is prohibited by T.C.A. Section 12-4-106. She stated that there is “a fair amount of sentiment in favor of asking the Board to adopt prohibition against a registrant bidding work,” and Ms. Wallace reminded Board members that, at the October 2010 Board meeting, they voted to “oppose a statutory change prohibiting competitive bidding on public projects.” AIA-TN is establishing a task force to study this issue.

Ms. Wallace announced that the State Building Commission's Executive Subcommittee has selected Robert E. Oglesby to serve as Tennessee's State Architect.

## **OLD BUSINESS**

*Action Items (attached)*

Action items from the December 9, 2010 meeting are in progress.

## **NEW BUSINESS**

### *1. Call for Officer Nominations*

The Board's Bylaws regarding the election of Board officers were reviewed and Mr. Cothron was asked to schedule a meeting of the Nominations Committee to be held prior to the April Board meeting.

### *2. Legislative Update (attached)*

Motion was made by Mr. Thompson and seconded by Mr. Schuermann, to not support SB0867/HB1741, the Licensed Interior Designers Act, as introduced. The motion passed with Ms. Shankman-Cohn opposing and Mr. Lockwood abstaining.

Break 10:55 – 11:10 a.m.

### *3. Evaluation of Non-Accredited Interior Design Degrees*

Motion was made by Ms. Shankman-Cohn and seconded by Mr. Lockwood, to allow the National Council for Interior Design Qualification (NCIDQ), in lieu of Dana Miller, to evaluate interior design degrees which have not been accredited by the Council for Interior Design Accreditation (CIDA) for educational equivalency. The applicant would be responsible for paying the fee for the evaluation. The motion passed unanimously.

### *4. Report on NCEES Board Presidents' Assembly (attached)*

Mr. Lim and Mr. Cothron submitted a written report. Mr. Cothron noted that computer-based testing (CBT) was the foremost topic of discussion. The target date for instituting CBT is the spring or fall of 2013; thus, the Board will soon consider a law and rule change necessitated by the move to CBT.

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**LEGAL CASE REPORT** (presented by Robert Herndon) (attached)

Pending Case Update

1. *Case #L 10-AEL-RBS-2010026551* *Complaint #201002655*  
Motion was made by Mr. Lockwood and seconded by Mr. Lim, to close the case and flag the complaint file. The motion passed unanimously.

New Cases

1. *Case #L 10-AEL-RBS-2010033101* *Complaint #201003310*  
This case was deferred.
2. *Case #L 11-AEL-RBS-2011001431* *Complaint #201100143*  
Motion was made by Mr. Hastings and seconded by Mr. Lockwood, to close the case. The motion passed unanimously.
3. *Case #L 11-AEL-RBS-2011002281* *Complaint #201100228*  
Motion was made by Mr. Thompson and seconded by Mr. Lockwood, to close the case. The motion passed unanimously.

Privilege Tax Delinquency Cases

Regarding the following cases, motion was made by Mr. Thompson and seconded by Mr. Lockwood, to dismiss the Consent Order and issue a Letter of Warning to comply with all licensing requirements. Mr. Thompson withdrew his motion.

Motion was made by Mr. Balthrop and seconded by Mr. Lim, to dismiss the Consent Order, to issue a Letter of Warning to comply with all licensing requirements, and to take and pass the Board's law and rules exam. The motion passed unanimously.

1. *Case #L 10-AEL-RBS-2010035521* *Complaint #201003552*
2. *Case #L 10-AEL-RBS-2010035561* *Complaint #201003556*
3. *Case #L 10-AEL-RBS-2010035571* *Complaint #201003557*
4. *Case #L 10-AEL-RBS-2010035641* *Complaint #201003564*
5. *Case #L 10-AEL-RBS-2010035681* *Complaint #201003568*
6. *Case #L 10-AEL-RBS-2010035691* *Complaint #201003569*
7. *Case #L 10-AEL-RBS-2010035701* *Complaint #201003570*

The meeting adjourned at 11:45 a.m.

**ATTACHMENTS**

Minutes from December 9, 2010, Board Meeting  
Staff Complaint Report  
Licensing Data  
Complaint Data  
Financial Data  
Action Items  
Legislative Update  
Report on NCEES Board Presidents' Assembly  
Legal Case Report